

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 2550 of 2007(C)

PETITIONERS:

- 1. C. RADHA, W/O.SANKARANARAYANAN,
PART-TIME SWEEPER, VALAMBUR VILLAGE OFFICE,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**
- 2. K.P. JANU, D/O. NEELAKANDA,
P.T.S. VADAKKANGARA VILLAGE OFFICE,
MAKKARAPARAMBU P.O., PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.**
- 3. P. KUNJAMMA, W/O.RAMAKRISHNAN,
PART-TIME SWEEPER, KODOOR VILLAGE OFFICE,
PERINTHALMANNA TALUK, MALAPPURAM.**
- 4. SEETHA N., W/O. MADHAVAN,
PART-TIME SWEEPER, KOOPILANGADI VILLAGE OFFICE,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPT. OF REVENUE, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. COMMISSIONER FOR LAND REVENUE,
COMMISSIONERATE OF LAND REVENUE,THIRUVANANTHAPURAM**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, MALAPPURAM.**
- 4. TAHSILDAR,
PERINTHALMANNA TALUK, PERINTHALMANNA,
MALAPPURAM DISTRICT.**

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.K.DENESAN, J.

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WP(C).No.2550 OF 2007-C.
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Dated this the 23rd day of January, 2007.

J U D G M E N T

The petitioners are Part-time Sweepers working in various Village Offices within the jurisdiction of respondent No.4. The petitioners had earlier filed another writ petition along with some others before this Court seeking to direct the respondents to sanction and disburse pay and allowances as ordered in G.O.(P) No.3000/98/Fin. dated 25-11-1998.

2. In Ext.P4 G.O. dated 25-11-2005 directions have been issued by the Government to all departmental authorities, with regard to the rate of emoluments payable to the Part-time Sweepers taking into account the area to be allotted to them in the respective offices. Ext.P4 visualises situations where the sweeping area may get reduced on re-measurement. This would result in reduction of pay. To safeguard the interest of those who had already in service, it has been laid down vide para.11 of Ext.P4 G.O. that, in the case of those who were already in service, the re-measurement shall not adversely affect their emoluments even if the area of re-measurement is

found to be less than the prescribed sweeping area.

3. Without noticing or without adverting to para.11 of Ext.P4 G.O. the 4th respondent has revised the emoluments paid to the petitioners from January, 2006 onwards. Feeling aggrieved, the petitioners have approached the Government by filing Ext.P6 representation. The same is pending with the Government. Counsel for the petitioners submits that in the light of para.11 of Ext.P4 G.O., the 4th respondent has committed patent illegality. Counsel brings to my notice Ext.P5 Government letter dated 18-11-2006 sent by the Principal Secretary, Finance, to the Kerala Contingent Employees Federation informing the latter that the Government never intended that the new criterion for taking measurement and determining the sweeping area should result in reduction of the wages or emoluments to the Part-time Sweepers already in service.

4. In the circumstances, I think, the 1st respondent shall look into the grievance of the petitioners as early as possible and appropriate directions issued to the subordinate authorities, respondents 3 and 4 in particular, so that the petitioners will be paid emoluments legitimately due to them in terms of Ext.P4 G.O. Depending on the decision on Ext.P6, the petitioners shall be paid

due emoluments from January, 2006 onwards with arrears without waiting for any further directions from the higher authorities or from this Court. Ext.P6 shall be disposed of within one month from the date of production of a copy of this judgment.

With the above directions, the writ petition is disposed of.

K.K.DENESAN, JUDGE.

kvs/-